



## Planning Board May 8, 2007

### CASE NO.

Petitioner

Current Owner

Size / Scope

Location

### T-01-07 (Zoning Text Amendment)

City of Salisbury

N/A

citywide

citywide

### PETITIONER REQUEST

**Request to amend Article IX, Signs, of the Salisbury Zoning Code by making the following changes to the sign ordinance:**

1. Sec. 9.05(3): Signs Permitted by District
2. Sec. 9.05(8)(b.6): Signs Permitted by District
3. Sec. 9.06: Special Sign Provisions
4. Sec. 9.06(1A, 1C): Special Sign Provisions
5. Sec. 9.10(8)(b): Nonconforming Signs

### TEXT AMENDMENT

The following text amendments to the Salisbury sign ordinance arise out of a variety of repeated requests from local businesses and churches. Staff believes that the following amendments, if adopted, will benefit city businesses and churches as a whole and do not directly benefit one specific user.

#### ***1. Sec. 9.05(3)(l)***

#### ***Signs Permitted by District Downtown (B-5) district***

This amendment is for the use (and re-use) of historic signs within the downtown zoning district. If adopted, all such signs would be required to receive a Certificate of Appropriateness by the Historic Preservation Commission (HPC).

(l) Historic signs, whether renovations of architectural artifacts, adaptive re-use of existing signs or authentic replications based on photographic evidence or other documentation, shall be allowed provided that:



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1. All historic signs are subject to design review and issuance of a Certificate of Appropriateness by the minor works committee of the Historic Preservation Commission following criteria prescribed by the design guidelines for commercial properties.
2. The number of historic signs may not exceed the total number allowed for a property within the district
3. The size of historic signs may vary depending on the historical accuracy of the renovation or replication but shall not exceed 50 square feet
4. Historic signs may be located on the property in a manner consistent with historical evidence or other documentation
5. Historic signs may be lighted in manner consistent with historical evidence or other documentation

### **2. Sec. 9.05(8)(b.6)**

#### ***Signs Permitted by District Church Signs in residential districts***

Staff is unable to determine any quantifiable basis for limiting illuminated ground signs to churches on one or more acres. In addition, the U.S. Supreme Court has found that it is unconstitutional to regulate the content of certain signage.

#### **6. For church signs--**

~~Bulletin board signs, both ground and wall signs, shall display only the name of the institution and other related information.~~

~~For lots of one (1) or more acres: Bulletin board signs~~ Ground signs may be up to ten (10) feet in height provided that there is a twenty-five-foot setback from any side or rear property line. This subsection is activated whenever height of ground sign exceeds five (5) feet. Such signs may be illuminated in accordance with section 9.11.

For lots of three (3) or more acres: Wall signs in the R-6A district shall be limited to no more than twelve (12) square feet per acre or fifty (50) square feet--whichever is less.

4. Illuminated signs: Ground signs ~~on lots of one (1) or more acres~~ may be illuminated, in accordance with section 9.11 for the following uses: elementary, junior high schools, and senior high schools; golf courses, parks, playgrounds, and community centers; residential group developments; permanent subdivision identification signs; church bulletin board signs. All illuminated signs shall be at least twenty-five (25) feet from any side or rear property line.



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### 3. Sec. 9.06(18)

### *Special Sign Provisions*

This proposal originally came forward in 2002 by Mr. John Riley. His business is located in the M-1 (Light Industrial) district. Initially, based on the M-1 zoning, staff had great concern over the impact of electronic LED signage in a district that permits 100-sf signage up to 30 feet in height.

After appearing before City Council, his petition was referred to the Planning Board for review and recommendation back to City Council. After months of committee work, a final proposal was drafted for Council consideration; however, Mr. Riley withdrew his petition for unknown (at least to this staffer) reasons.

Recently, three of the four colleges in the city learned of the Riley petition and asked why institutional zoning was not added to the permitted list. Based on the collective request, staff is proposing to simply include institutional districts to the language below.

(18) *Electronic Light Emitting Diode (LED) Signage.* Where a ground sign is permitted in office, institutional, commercial, or industrial districts, a manual or electronic LED changeable copy sign shall be permitted subject to the following provisions:

1. No more than 50% of the actual sign face, up to a maximum of 32 square feet, may consist of an LED changeable copy sign.
2. The sign shall not contain or display any type of flashing, scrolling, or animated message.
3. The LED changeable message, or display, shall remain fixed for a minimum of two (2) minutes. An exception to this provision shall be for display of time and/or temperature.

9.04(10) Moving signs or devices designed to attract attention, all or any part of which move by fluttering, rotating, spinning, or moving in some other manner, and are set in motion by movement of the atmosphere or by mechanical, electrical, or any other means. Such devices include, but are not limited to: banners, pennants, ribbons, streamers, spinners, propellers, or discs, whether or not any such device has a written message--provided that the following are allowed:

(c) Electronic LED changeable copy signs as described in Section 9.06(18).



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### 4. Sec. 9.06(1A, 1C)

### *Special Sign Provisions Group Development Signs*

This proposal is in response to the U.S. Supreme Court finding that the content of certain signage may not be regulated.

(1A) *Commercial group development signs, including signs for shopping centers:* The sign regulations below shall be applicable to "shopping centers" as defined in section 4.02 and other commercial group developments, regardless of the regulations of the district in which shopping centers are located, except B-5 (central business) district where the B-5 sign regulations as contained in section 9.05(3) shall be applicable.

SIGN TABLE

TABLE INSET:

Sign Type	Number	Maximum Size	Maximum Height	Comments
Ground-- Primary sign	1 per street frontage, with a maximum of 2	See (e) below	20 ft. for each sign	<del>See (f) below</del>
Ground-- Outparcels	1	35 sq. ft.	10 ft.	--
Wall or canopy	1 per business having frontage on a public street	See (a) below	N/A	For buildings less than 400 ft. from a public street right-of-way
Wall or canopy	1 per business having frontage on a public street	25% above requirement in (a) below	N/A	For buildings 400 ft. or more from a public street right-of-way
Secondary wall sign(s)	1 or 2	No more than 32 sq. ft., or 20 percent of primary wall sign--whichever is more restrictive. Primary and secondary wall sign(s), when combined, shall not exceed the maximum allowable square footage in (a) below.	N/A	For offices or businesses that are within stores. Applicable only to stores with at least 150 feet facing a public street. For buildings less than 400 feet from a public street right-of-way.
Secondary wall sign(s)	1 or 2	No more than 40 sq. ft., or 20 percent of primary wall sign--whichever is more	N/A	For offices or businesses that are within stores. Applicable only to stores



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		restrictive. Primary and secondary wall sign(s), when combined, shall not exceed the maximum allowable square footage in (a) below		with at least 150 feet facing a public street. For buildings 400 feet or more from a public street right-of-way.
Directory-- Ground or wall signs	1	20 sq. ft.	See (b) below	See (b) below
Entrance; exit; off-street parking signs	1 of each per driveway	3 sq. ft. for each sign	3 ft. for each sign	<del>See (c) below—</del>
Miscellaneous-- Ground or wall signs	--	6 sq. ft.	--	See (d) below

TABLE INSET:

Ground Signs for Group Developments With Only One or Two Stores			
Minimum Size of Store or Stores	Maximum Size of Sign	Maximum Height of Sign	Comments
Over 200,000 sq. ft.	120 sq. ft.	25 ft.	<del>—At least 60% of the sign shall be used to name the store(s). —These provisions do not apply to phases of developments with a total of three or more planned stores.—</del>
100,000--200,000 sq. ft.	100 sq. ft.	20 ft.	
50,000--100,000 sq. ft.	80 sq. ft.	20 ft.	
Less than 50,000 sq. ft.	60 sq. ft.	15 ft.	

~~(c) Such signs shall be limited to contain only the words "entrance" and "exit," with a business logo or the symbol arrow pointing in a direction meaning entrance or exit, and the name of the business shall be limited to no more than twenty five (25) characters.~~

~~(f) At least forty (40) percent of the sign shall be devoted to identifying the commercial group development (which may or may not be a shopping center). The identification of the commercial group development shall not contain names of any stores or shops.~~

~~Up to sixty (60) percent of the sign may be used to identify individual stores or shops in the development, with a maximum of ten (10) square feet and a minimum of five (5) square feet allowable for each individual store or shop.~~



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~~The height of the text letters in the individual stores or shops shall not exceed the text letters in the portion of the sign naming the group development, and the height of the text letters for the individual stores or shops shall be no less than four (4) inches.~~

~~When a commercial group development includes offices, this subsection shall be applicable, with individual offices having the same regulations for advertisement on the sign as are allowed for stores or shops.~~

(g) In lieu of one (1) primary ground sign allowed per street frontage, two (2) ground signs may be allowed in an approved group development provided that all of the following conditions exist:

~~The content of each sign is limited to the identification of one (1) particular business/office located on the premises and in front of said business/office.~~

(1C) Office group development signs. The sign regulations below shall be applicable to office group developments, regardless of the regulations of the district in which office group developments are located, except B-5 (central business) district where the B-5 sign regulations as stated in section 9.05(3) shall be applicable.

### SIGN TABLE

#### TABLE INSET:

Sign Type	Number	Maximum Size	Maximum Height	Comments
Ground--Primary sign	See (a) below	See (b) below	10 ft. for each sign	See (c) <del>and (d)</del> below
Wall or canopy	1 per office	See (e) below	N/A	--
Directory--Ground or wall signs	1	20 sq. ft.	See (f) below	See (g) below
Entrance; exit; off-street parking signs	1 of each per driveway	3 sq. ft. for each sign	3 ft. for each sign	<del>See (h) below</del>
Miscellaneous--Ground or wall signs	--	6 sq. ft.	--	See (i) below

~~(d) At least forty (40) percent of the allowable signage shall be devoted to identifying the office group development by a common name. Up to sixty (60) percent of the allowable signage may be used to identify individual offices in the development, with more than twenty (20) percent of the allowable signage used for identifying any one (1) individual office. When two (2) signs are allowed abutting one (1) street in (a) above, one (1) sign may identify the name of the center and the other may identify names of offices in the center.~~



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~~(h) Such signs shall be limited to contain only the words "entrance" and "exit," with a business logo or the symbol arrow pointing in direction meaning entrance to exit, and the name of the business shall be limited to no more than twenty five (25) characters.~~

### 5. Sec. 9.10(8)(b)

### *Nonconforming Signs*

This proposal has been requested by multiple business owners in the city. The argument is as follows: Since a non-conforming use may be replaced by another similar non-conforming use within 180 days (e.g. a non-conforming insurance agent could be replaced by another, different, insurance agent), then why could the new similar use not re-use the sign and simply change the face of the sign?

The proposal is to permit the face change of a non-conforming sign, but no other physical changes – or illumination change – of the sign would be permitted.

(8) Other than the required removal dates for signs in the above applicable subsections, on-premise signs shall not be required to be removed unless one (1) or more of the following conditions exist:

(a) As referenced in section 7.01(1)(d), signs shall not be rebuilt, altered, or repaired after damage exceeding sixty (60) percent of the fair market value immediately prior to damage.

~~(b) There is a name change in the business or organization.~~

~~(c) There is a relocation of the business or organization to another site where the sign is not allowable.~~

(d) As stated in section 9.09(4), entitled Abandoned, discontinued or obsolete signs, signs identifying businesses no longer in existence, products no longer being sold, services no longer being rendered, or signs and sign structures which have been abandoned shall be removed by the property owner(s) from the premises within one hundred twenty (120) days from the termination of such activities. The zoning administrator will provide thirty (30) days' written notice for the removal of signs in violation of this section, or to bring such signs into compliance.

(e) Signs may not be relocated unless such relocation is to an area which is in accordance with article IX Signs.